REMARKS

Applicant has carefully studied the outstanding Official Action. The present amendment is intended to be fully responsive to all points of rejection and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the present application are hereby respectfully requested.

Originally filed claims 1 - 28 are pending in the present application before the present amendment. New claims 29 and 30 are added by the present amendment. Thus, claims 1 - 30 are now pending in the present application.

Claims 10 - 12 and 14 stand rejected under 35 USC 102(e) as being anticipated by US Patent 6,314,518 to Linnartz.

Linnartz describes a system for copy protecting content information in which playback of received video is controlled. Playback is allowed depending on a watermark, which is extracted in a separate decoder device.

In the present invention, as claimed in claim 10, a watermark examiner includes "a watermark definition store ... and a watermark definition signal receiver operative to receive a signal indicating that a new watermark definition is to be used for examining electronic representations and to store the new watermark definition in the watermark definition store."

The Examiner takes the position that the portion of the recitation of claim 10 cited above is described in Linnartz at col. 1, lines 15 - 16; col. 2, lines 1 - 19; and col. 3, lines 58 - 65.

Applicant has carefully studied Linnartz, including the passages cited by the Examiner, and finds that Linnartz does not describe receiving "a signal indicating that a new watermark definition is to be used", as recited in claim 10. In fact, Linnartz teaches that a strong "barrier" that pirates are unable to break at reasonable cost should be used, and that upgrading control measures is disadvantageous (col. 3, lines 47 - 57); thus, Linnartz teaches away from using a new watermark definition, as recited in claim 10.

Furthermore, the present application describes the drawbacks in approaches, such as that of Linnartz, which rely on making the illicit removal of watermarks difficult. Certain embodiments of the present invention, including the

embodiment as claimed in claim 10, provide protection after a watermark is successfully and illicitly removed. The drawbacks of the prior art and the protection provided by certain embodiments of the present invention are described, inter alia, on page 5 of the specification. Thus, the present invention as claimed, inter alia, in claim 10 solves a problem very different from that addressed by Linnartz.

Claim 10 is therefore deemed allowable.

Claims 11, 12, and 14 depend from claim 10 and recite additional patentable subject matter and are therefore deemed allowable.

Claims 1 - 9, 13, and 15 - 28 stand rejected under 35 USC 103 as being unpatentable over Linnartz in view of US Patent 6,332,194 to Bloom et al.

Bloom et al describes a method for data preparation and watermark insertion; in at least one preferred embodiment described by Bloom et al, two watermarks are used.

Claim 1 recites "examining at least a first electronic representation of an item for a watermark in accordance with a first watermark definition; receiving a signal indicating that a second watermark definition is to be used for examining electronic representations; and examining at least a second electronic representation of an item for a watermark in accordance with the second watermark definition."

The Examiner correctly points out that Linnartz does not explicitly describe the emphasized portion of claim 1 cited above. The Examiner takes the position, on page 5 of the outstanding Office Action, that the system of Linnartz "can communicate supplemental watermark information and therefore should be able to provide information to the decoder device whether or not to consider the second watermark outlined by Bloom. The detector device outlined by Linnartz could then examine the second watermark instead of the first watermark. This would provide a more robust system of watermarking which is more resistant to tampering."

Applicant has carefully studied Linnartz and Bloom et al. Applicant respectfully points out the that Examiner's position concerning the combination of Linnartz and Bloom et al is incorrect for at least the following reasons:

1. Linnartz nowhere teaches or suggests the existence or use of information concerning using a second watermark definition. The Examiner's position is therefore purely speculative and not based on the teachings of the reference.

2. As pointed out above in the discussion of the 35 USC 102 rejection of claims 10 - 12 and 14 over Linnartz, Linnartz explicitly teaches away from using a second watermark definition, and from the concept that such a system would be more robust, by teaching that a strong "barrier" that pirates are unable to break at reasonable cost should be used, and that upgrading control measures is disadvantageous (col. 3, lines 47 - 57). Thus, the Examiner's combination of Linnartz with Bloom et al is improper.

3. Even if it were proper, contrary to the position of Applicant, to combine Linnartz with Bloom et al, the result would be a system that could check two watermarks; such a system would still lack the feature of "receiving a signal indicating that a second watermark definition is to be used for examining electronic representations" as recited in claim 1, since neither Linnartz nor Bloom et al describes or suggests such a feature.

Claim 1 is therefore deemed allowable.

Claims 2 - 9 depend from claim 1 and recite additional patent subject matter and are therefore deemed allowable.

Claim 13, 15, and 16 depend from claim 10, deemed allowable as discussed above, and recite additional patentable subject matter. Claims 13, 15, and 16 are therefore deemed allowable.

Claim 17 includes recitation of "receiving a signal indicating that a second watermark definition is to be used", similar to the recitation of claim 1 as discussed above. The arguments advanced above concerning the allowability of claim 1 apply also to claim 17.

Claim 17 is therefore deemed allowable.

Claims 18 - 21 depend directly or indirectly from claim 17 and recite additional patentable subject matter and are therefore deemed allowable.

Claim 22 is a system claim corresponding to claim 17 and is therefore deemed allowable with reference to the above discussion of the allowability of claim 17.

Claims 23 - 26 depend directly or indirectly from claim 22 and recite additional patentable subject matter and are therefore deemed allowable.

Claim 27 includes recitation similar to that discussed above with reference to claims 1 and 17. The arguments advanced above concerning the allowability of claim 1 apply also to claim 27.

Claim 27 is therefore deemed allowable.

Claim 28 depends from claim 27 and recites additional patentable subject matter and is therefore deemed allowable.

New claims 29 and 30 have been added.

Claim 29 depends from originally filed claim 1. Claim 30 depends from originally filed claim 10. Claims 29 and 30 are supported, inter alia, by the description in the following locations: page 5, lines 26 - 28; and page 16, lines 21 - 23.

In view of the foregoing remarks, it is respectfully submitted that the present application is now in condition for allowance. Favorable reconsideration and allowance of the present application are respectfully requested.

Respectfully submitted,

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